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TEACHSCAPE, INC.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CANTER & ASSOCIATES, LLC, and  
LAUREATE EDUCATION, INC.,

Plaintiffs,

vs.

TEACHSCAPE, INC.,

Defendants.

No. C 07-03225 RS

DEFENDANT TEACHSCAPE, INC.'S  
REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF MOTION TO DISMISS  
AND/OR STRIKE

Date: September 26, 2007  
Time: 9:30 a.m.  
Dept: 4, Fifth Floor  
Honorable Richard Seeborg

The Federal Rules of Evidence allow a court to take judicial notice of a fact that is "not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201. This rule is applicable to both copyright registrations, the basis of which form a copyright infringement cause of action, *see, e.g. Idema v. Dreamworks, Inc.*, 90 Fed.Appx. 496, 498 (9th Cir. 2003), as well as websites available to the general public, and the information contained therein. *See, e.g. Quan v. Gonzales*, 428 F.3d 883, 888 (9th Cir. 2005); *Helen of Troy, L.P. v. Zotos Corp.*, 235 F.R.D. 634, 639-640 (W.D.Tex. 2006); *SemMaterials, L.P. v. Alliance Asphalt, Inc.*, 2007 WL 26908, at \*1 fn 2 (D. Idaho 2007).

Pursuant to Federal Rule of Evidence 201, Defendant Teachscape, Inc. requests that the Court take judicial notice of the following documents in support of their Motion to Dismiss Plaintiff's Complaint:

1) True and correct copies of the copyright registrations filed in the U.S. Copyright Office, listed on pages 8 through 11 of the Plaintiff's Complaint filed on June 19, 2007, are attached hereto as Exhibit A.

2) True and correct copies of the following websites found on the internet, printed on August 2, 2007, attached hereto as Exhibit B:

a) <http://www.waledeu.edu/c/home>: "Walden - Online Degree University: Distance Education for Working Professionals";

b) [http://www.waldenu.edu/c/About/About\\_221](http://www.waldenu.edu/c/About/About_221): "Walden - The History of Walden University: From Distance Learning to Online Learning"; and

c) <http://phx.corporate-ir.net/phoneix.zhtml?c=91846&p=irol-govBio&ID=59127>: "Laureate Corporation, Investor Relations."

3) True and correct copies of the following websites found on the internet, printed on August 2, 2007, attached hereto as Exhibit C:

a) [http://www.canter.net/filter\\_grad.cfm?s=422.2090o073o.068i101120&wid=20030](http://www.canter.net/filter_grad.cfm?s=422.2090o073o.068i101120&wid=20030): "Canter Graduate Courses Overview";

b) <http://www.canter.net/content/index.cfm?s=226.p030t972r.0982101s20&wid=13&pid=13>: "Marygrove Program Info";

c) <http://www.canter.net/content/index.cfm?s=422.2090o073o.068i101120&wid=156&pid=366>: "New England Program Info"; and

d) <http://www.canter.net/content/index.cfm?s=422.2090o073o.068i101120&wid=20120&pid=65973>: "Indiana Wesleyan Program Info."

4) True and correct copies of the following websites found on the internet, printed on August 2, 2007, attached hereto as Exhibit D:

a) <http://www.webed.com/catalog/state.asp?state=NJ&btnSelectState=Select>: "Course Catalog Preview - Canter Online"; and

b) <http://www.laureate-inc.com/univOnline.php>: "Laureate Education, Inc: Campus-Based Universities."

5) True and correct copies of the following websites found on the internet, printed on August 2, 2007, attached hereto as Exhibit E:

a) <http://www.laureate-inc.com/univMap.php>: "Laureate Education, Inc: Map of Universities"; and

b) <http://www.laureate-inc.com/univCampusBased.php>: "Laureate Education, Inc., Campus-Based Universities."

Respectfully submitted,

Dated: August 3, 2007

SONNENSCHN NATH & ROSENTHAL LLP

By



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Attorneys for Defendant TEACHSCAPE, INC.

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